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JAN 19 2006

Atty. Docket No.: PC-1696

IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Applicant: GUSTAFSON, MARTIN K.
Serial No.: 10/811,595
Filed: 03/29/2004
For: BIO-HAZARD ATTACK FAMILY SURVIVAL DOME
Examiner: MCPARTLIN, SARAH BURNHAM Group: 3636
ELECTION

Commissioner of Patents
And Trademarks

Honorable Commissioner:

I enclose the following papers:

1. ELECTION

Please enter the above correspondence.

Respectfully submitted,

Brian S. Steinberger
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CERTIFICATE OF FACSIMILE (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office to 1-571-273-8300 totaling 3 pages

1/19, 2006
Date

Brian S. Steinberger
(Name of Person Transmitting Paper)

(Signature of Person Transmitting Paper)

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ELECTION

Commissioner of Patents
And Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed December 19, 2005, Applicant elects to prosecute with traverse Invention I, claims 1-11, drawn to a tent enclosure, classified in class 135, subclass 156.

Based on the restriction requirement, Applicant lists inventions readable thereon as follows:

Invention I: Claims 1-11, drawn to a tent enclosure, classified in class 135, subclass 156

Invention II: Claims 12-19, drawn to a method of assembling an enclosure, classified in class 135, subclass 156

Applicant agrees the subject invention covers two different inventions. However, applicant disagrees with the restriction for other reasons.

A policy consideration behind a restriction requirement would suggest that separate inventions exists that inherently would include separate prior art searches, examinations, examiners, etc.

Atty. Docket No.: PC-1696

The examiner has not stated that separate searches and separate examiners and separate art units are necessary to examine these inventions.

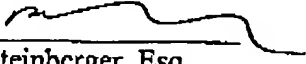
Further, multiple examinations on these inventions would be repetitive and excessive. Separate prosecution can create an unnecessary financial burden for both the Applicant and the Patent Office. If both Invention I and Invention II can be searched by the same art unit and further by the same examiner, then having different examiners conduct separate searches and examinations would create an undue time and financial burden on both the patent office and on the applicant.

For these reasons, Applicant requests reconsideration and withdrawal of the restriction requirement.

In reference to the restriction requirement, Applicant again wishes to make their election to prosecute the Invention I, claims 1-11 with traverse. If further restrictions are incited, please let us know.

Thus, for the above reasons, the restriction requirement is not proper and Applicant respectfully requests removal of the restriction requirement.

Respectfully submitted:



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Date 1/19/06